

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America  
v.  
Jose Luis Cano, aka Joel Cano

Case No.

25-868 MJ

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 9-23, 2025 in the county of Dona Ana in the  
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §1512(c)(1)

Tampering with evidence.

I further state that I am a Homeland Security Investigations Special Agent  
and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.BRIANA R  
VIGIL

Digitally signed by BRIANA R  
VIGIL  
Date: 2025.04.24 19:19:54  
-06'00'

Complainant's signature

Briana Vigil-HSI Special Agent

Printed name and title

Sworn to before me <sup>on a phone.</sup> and signed in my presence.

Date:

4/25/25

City and state:

Las Cruces, New Mexico

Judge's signature

Gregory J. Fouratt, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO


VS

Jose Luis Cano, aka Joel Cano

1. In January 2025, Homeland Security Investigations (HSI), Las Cruces initiated an investigation into Cristhian Ortega-Lopez (hereafter identified as Ortega). A tip alleged that Ortega, an illegal alien from Venezuela and a suspected member of a criminal gang, was residing with other illegal aliens in the United States unlawfully at an address located in Las Cruces, New Mexico (hereafter identified as Premises) and was in possession of firearms. Nancy and Jose Cano are the owners of the Premises.
2. On February 28, 2025, two residential federal search warrants were executed, with one being at the Premises, in connection with Ortega. Ortega was arrested, is currently charged with 18 USC 922(g)(5) – Illegal Alien in Possession of Firearms or Ammunition, and was booked into the Doña Ana County Detention Center (DACDC) pending criminal proceedings. Four firearms previously seen in Ortega’s possession in photos on social media were seized from the other residence that was searched simultaneously, and three of Ortega’s cell phones were also seized from the premises owned by the Canos.
3. Additionally, on February 28, 2025, the day the search warrants described above were executed and Ortega was taken into custody, agents permitted Ortega to make a phone call before being transported to DACDC. Agents provided Ortega access to the mobile devices that had been seized. Ortega stated that the phone containing the number he wished to call was not among the mobile devices available to him. Based on this interaction, law enforcement formed the belief that one of Ortega’s mobile devices may not have been recovered during the execution of the search warrant.

4. The residential search warrants also authorized the forensic analysis of the cell phones seized at the residences. In addition, law enforcement asked Ortega for consent to search the cell phones belonging to him. Ortega agreed and signed the consent form. During the analysis of the phones belonging to and utilized by Ortega, messages were obtained from at least one of his Facebook accounts. The messages reflect Ortega's Tren de Aragua affiliation and photos of Ortega in possession of firearms and ammunition. The deletion of these accounts would hinder the investigation and destroy evidence pertaining to Ortega's criminal case.
5. On April 24, 2025, HSI agents executed a search warrant at the residence of Jose and Nancy Cano looking for what was believed to be Ortega's cellphone that was not recovered on February 28, 2025, and for Nancy Cano's cellphone. After being advised of his *Miranda* rights, Jose Cano agreed to speak to agents.
6. During the interview, Jose Cano admitted, among other things, that he destroyed the cellphone that belonged to Ortega by smashing it with a hammer and discarded the remaining pieces in the city trash dumpster approximately five weeks ago.
7. Specifically, Jose Cano stated that he destroyed the cellphone and further admitted that he believed the cellphone contained photos or videos that would reflect negatively on Ortega. Through further questioning, agents ascertained that Jose Cano destroyed the cellphone believing that it contained photographs of Ortega holding firearms that Ortega had uploaded onto social media platforms which would be additional incriminating evidence against him.
8. Because this affidavit is being submitted for the purpose of establishing probable cause to believe Jose Cano violated 18 U.S.C. § 1512(c)(1): Tampering with Evidence, as set forth

herein, I have not included each and every fact known to me concerning this investigation. I make this affidavit on the basis of my personal knowledge and information furnished to me by other law enforcement officers.



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Gregory J. Fouratt  
United States Magistrate Judge  
District of New Mexico

BRIANA R VIGIL

Digitally signed by BRIANA R VIGIL  
Date: 2025.04.24 19:27:01 -06'00'

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Briana Vigil  
Special Agent  
Homeland Security Investigations